

Falls Church, Virginia 22041

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File: D2005-161

Date: DEC 12 2005

In re: ANTONIO SALAZAR, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Rachel A. McCarthy, Ethics Counsel

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Bar Counsel

**ORDER:**

PER CURIAM. On February 8, 2005, the Supreme Court of Washington suspended the respondent from the practice of law in that state for 30 days, effective February 15, 2005.

Consequently, on October 17, 2005, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service), initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. On October 28, 2005, the Office of General Counsel for the Executive Office for Immigration Review (EOIR) asked that the respondent be similarly suspended from practice before EOIR, including the Board and immigration courts. Therefore, on November 8, 2005, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline. *See* 8 C.F.R. § 1003.105(c)(1); 1292.3(e)(3)(ii). The respondent submitted a timely answer on November 18, 2005. The respondent admits that he was suspended from the practice of law, as charged. The respondent does not request a hearing on the charges, and that opportunity is therefore waived. *See* 8 C.F.R. § 1003.105(c)(3). We therefore find it appropriate to issue a final order on the government's charges.

The Notice recommends that the respondent be suspended from practice before the DHS for 60 days. The Office of General Counsel of EOIR asks that we extend that discipline to practice before the Board and immigration courts as well. The DHS argues that the respondent should be suspended for 60 days, based on his 30-days suspension in Washington, as well as his failure to report the suspension order to the government under 8 C.F.R. §§ 1292.3(c)(4) and 1003.103(c). The respondent argues that he ceased the practice of law during his suspension, notified his clients, and apologized for his actions. The respondent argues that his suspension should therefore be limited to 30 days. The respondent fails to state, however, why he did not notify the government of his suspension, as required by the regulations. Therefore, we find that the government's recommendation is appropriate, and we will honor it.

Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 60 days. As the respondent is currently under our November 8, 2005, order of suspension, we will deem the respondent's suspension to have commenced on that date. The respondent is instructed to maintain compliance with the directives set forth in our prior order. The respondent is also instructed to notify the Board of any further disciplinary action against him. The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(b). In order to be reinstated, the respondent must demonstrate that he meets the definition of an attorney or representative, as set forth in 8 C.F.R. §§ 1001.1(f) and (j). *Id.* Therefore, the respondent must show that he has been reinstated to practice law in Washington before he may be reinstated by the Board. See 8 C.F.R. § 1001.1(f).<sup>1</sup>

  

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FOR THE BOARD

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<sup>1</sup>We note that the respondent states that he has been reinstated to practice law in Washington. There is, however, no proof provided of such reinstatement.